

Appl. No. 10/719,600
Att. Docket No. 9440Q
Amdt. dated 23 February, 2006
Reply to Office Action of November 23, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 1-9 are pending in the present application. No additional claims fee is believed to be due.

Applicant's Attorney would like to thank the Examiner for the Interview of February 8, 2006, during which the 35 U.S.C. §102(b) rejection over U.S. 2002/0151859 (Schoelling) was discussed.

Rejection Under 35 U.S.C. §102(b) Over U.S. 2002/0151859 (Schoelling)

Claims 1-9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Schoelling.

With respect to the novelty of claims 1-9: The Office Action of November 23, 2005 states that Schoelling in Figure 3 discloses a tampon wherein the first and second side walls of the recessed portion comprise an angle there between that varies along at least a portion of the length of the tampon.

Applicant respectfully disagrees with the assertion that the longitudinal grooves of Schoelling comprise an angle between a first and second sidewall that varies along at least a portion of the length of the tampon. Applicant cannot locate any support in the Specification of Schoelling for a variable angle between a first and second sidewall in the longitudinal grooves. Further, as shown in Figures 1, 3 and 4 of Schoelling the angle of any sidewalls within the longitudinal grooves are constant. Specifically, as shown in Figures 3 and 4 the angle of any sidewalls within the longitudinal grooves are constant along the span of the groove. Figure 4 shows a cross section of the tear shaped grooves. Figure 3 does not show differing angles of any sidewalls along the length of the longitudinal grooves, but rather the opening of the longitudinal grooves in the insertion end that are otherwise covered by the longitudinal ribs along the body of the tampon.

Appl. No. 10/719,600
Atty. Docket No. 9440Q
Amdt. dated 23 February, 2006
Reply to Office Action of November 23, 2005
Customer No. 27752

This is supported in Schoelling, "As a result of the fact that the outer ends lying against one another of the side flanks 44 of the adjacent longitudinal ribs 40 close to the longitudinal grooves 42 only at the circumferential surface 46 of the tampon 30, the longitudinal grooves 42 form in each case eight closed spiral guide ducts 50 (FIG. 4) which are in each case preferably open only at the insertion end 32 and at the recovery end 34 (the openings at the insertion end 32 are visible in FIG. 3). (Page 3, Paragraph 0039) Therefore, Schoelling does not disclose or teach a tampon wherein there is a variable angle between a first and second sidewall in the longitudinal grooves.

Accordingly, the Applicant respectfully submits that claim 1 and its dependent claims 2-9 are novel over Schoelling and the rejection should be withdrawn.

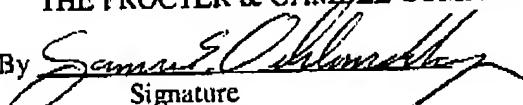
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §102(b). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application and allowance of Claims 1-9 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 
Signature

James E. Oehlenschlager

Typed or Printed Name

Registration No. 50,164

(513) 634-3447

Date: 23 February, 2006
Customer No. 27752